IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.147 OF 2007
IN
CRIMINAL APPEAL NO.1404 OF 2004

Anil Kumar Kawindra Rai ...Applicant.
V/s.
Shri S.N.Salve & Anr. ...Respondents.

Shri Anil Lalla, adv. i/b Lalla & Lalla, for the Applicant.

Shri H.V.Mehta, Public Prosecutor for the Respondent No.1.

Mrs.V.R.Bhosale, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st March, 2007.

P.C.:

1. Heard Shri Lalla, the learned counsel for the Applicant and Shri Mehta, the learned counsel for the Respondent No.1.

2. The present applicant, who is original accused no.2, has filed this application for bail on the principle of parity. The present applicant and the accused no.1 Birendra Kumar were convicted for the offences punishable under Section 21 N.D.P.S. Act and sentenced to undergo R.I. for 10 years and to pay fine of Rs.1 lakh each. They were also convicted under Section 29 read with 8(c) of the N.D.P.S.Act and were sentenced to undergo R.I. for 10 years and to pay fine of Rs.1 lakh. The applicant was arrested on 15/1/1998.

Thus, he has been in custody for the last more than 9 years. On the same ground accused no.2 filed application before the Supreme Court for grant of bail and by the order dated 8th December, 2006 in Criminal Miscellaneous Petition No.9127 of 2006, the Supreme Court granted bail to the accused no.1 Birendrakumar on the ground that he has already undergone about 9 years of actual sentence out of 10 years sentence awarded to him. This logic is also applicable to the present applicant. Therefore, Mr.Mehta, the learned Public Prosecutor for the respondent no.1 has no objection. Therefore, the applicant be released on his executing P.R.Bond in the sum of Rs.1 lakh with one or two sureties in the like amount with the conditions that he shall not leave the country without prior permission of the trial Court, shall report Air Intelligence Unit, Sahar Airport once in a month and shall keep them informed about his residential address. He shall not misuse the bail.

3. Application stands disposed off.

(J.H.Bhatia,J.)